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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,802	01/09/2004	Hoc-Won Kim	678-1131	1597
66547 7590 12/19/2007 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER PALIWAL, YOGESH	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/754,802

Applicant(s)

KIM, HOE-WON

Examiner

Yogesh Paliwal

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

- Applicant's amendment filed on Oct 17th, 2007 has been entered. Applicant has amended claim 3. Currently claims 1-10 are pending in this application. Any well known art statement made in the prior office action not argued by applicant is taken as admittance of prior art as per MPEP 2144.03.
- Examiner acknowledges receiving replacement sheets of drawings (Fig. 1-5) with a revised Figures 1 and 4. The drawings were received on Oct 17th, 2007. These drawings are acceptable. As a result, drawing objection is withdrawn.
- Examiner also acknowledges receiving amendments to the specification. Changes have been made in the specification to overcome the objections on the specification. As a result, objections on the specification are withdrawn.

Response to Arguments

1. Applicant's arguments filed on 10/17/2007 have been fully considered but they are not persuasive for the following reasons.
 - Applicant argues (at pages 16-17) that: "More specifically, referring to paragraph 110 of Akiyama, it is recited that the broadcast station 200 and each reception device 100 are provided with the identical master key Kin, which is updated regularly by periods. Therefore, owing to using a same key in each reception device 100 in Akiyama, any reception device 100 is capable of receiving any contents merely by handling a terminal ID. In contrast, because the present

invention teaches using different keys, which is intrinsic to each communication terminal, the security of Akiyama is weaker than that of the present invention."

- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using different keys, which is intrinsic to each communication terminal) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by

Akiyama et al. (US 2003/0002680 A1), hereinafter Akiyama.

Regarding **Claim 1**, Akiyama discloses a security deciphering apparatus comprising (Fig. 14):

a hidden secret key storing unit for storing a hidden secret key (K_h) corresponding to intrinsic identification information (**Fig. 14, Numeral 505, "Master Key Storage Unit (K_m)"**);

a first decoding unit for receiving via a public network a personal secret key ($[K_s]K_h$), generated by enciphering a cipher key (K_s) by using the hidden secret key (K_h), and decoding the personal secret key ($[K_s]K_h$) by using the hidden secret key (K_h), thereby obtaining the cipher key (K_s) (**Paragraph 0108, "The reception device provided at each user's home receives the encrypted appending information ($[Appending] K_m$) and decrypt it using the master key K_m provided in that reception device"**, Note: appending information contains a channel key K_{ch}) and

a second decoding unit for receiving via the public network enciphered data ($[M]K_s$), generated by enciphering data (M) by using the cipher key (K_s) (**Paragraph 0107, The broadcast station 200 broadcasts contents information ($[Contents] K_{ch}$) which is encrypted using a channel key K_{ch} "**), and

decoding the enciphered data ($[M]K_s$) by using the cipher key (K_s), thereby obtaining the data (M) (**Paragraph 0108, "...Channel key K_{ch} contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ($[Contents] K_{ch}$)"**)

Regarding **Claim 2**, Rejection of claim 1 is incorporated and further Akiyama discloses:

a personal secret key storing unit for storing the personal secret key ([Ks]Kh) received via the public network (**Fig. 14, Numerals 503 “Filter”**) and

outputting the stored personal secret key ([Ks]Kh) to the first decoding unit under a control of the first decoding unit (**Paragraph 0108, “The reception device provided at each user’s home receives the encrypted appending information ([Appending] Km) and decrypts it using the master key Km provided in that reception device”**); and

a cipher key storing unit for storing the cipher key (Ks) obtained by the first decoding unit (**Paragraph 0108, “...the channel key Kch contained therein is stored into a database provided in that reception device**), and

outputting the stored cipher key (Ks) to the second decoding unit under a control of the second decoding unit (**Paragraph 0108, “... the channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)”**).

Regarding **Claim 3**, Akiyama discloses a data service providing apparatus for providing data requested by a communication terminal (**Fig. 3**), comprising:

a data database for storing data (M) to be provided to the communication terminal (**Paragraph 0107, “The broadcast station 200 broadcasts contents information”**);

a hidden secret key database for storing a hidden secret key (K_h) corresponding to intrinsic identification information of a security deciphering module equipped in the communication terminal to decipher enciphered data (**Fig. 3, Numeral 10 and 3**)

a transmitting/receiving unit for performing communication with the communication terminal via a public network (**Fig. 3, Numeral 13**);

a data enciphering unit for enciphering the data (M) by using a cipher key (K_s) (**Paragraph 0107, "The broadcast station 200 broadcasts contents information ([Contents] K_{ch}) which is encrypted using a channel key K_{ch} "**) ;

a cipher key enciphering unit for enciphering the cipher key (K_s) by using the hidden secret key (K_h) (**Paragraph 0107, "...appending information ([Appending] K_m) which is containing a terminal ID, a channel key K_{ch} , etc. and encrypted using a master key K_m "**); and

a control unit for controlling the enciphering operations of the data and cipher key enciphering units (**Fig. 3, Numerals 2, 1, 7, and 6**), and

controlling the transmitting/receiving unit to provide the enciphered data ($[M]K_s$) and the personal secret key ($[K_s]K_h$) via the public network (**Fig. 3, Numeral 14 "Scheduling Unit"**).

Regarding **Claim 4**, the rejection of claim 3 is incorporated and further Akiyama discloses that security deciphering module (Paragraph 0108, "The reception device") comprises:

a hidden secret key storing unit for storing the hidden secret key (Kh) corresponding to the intrinsic identification information of the security deciphering module (**Fig. 14, Numeral 505, "Master Key Storage Unit (Km)"**);

a first decoding unit for decoding the personal secret key ([Ks]Kh) provided by the transmitting/receiving unit, by using the hidden secret key (Kh), thereby obtaining the cipher key (Ks) (**Paragraph 0108, "The reception device provided at each user's home receives the encrypted appending information ([Appending] Km) and decrypt it using the master key Km provided in that reception device", Note: appending information contains a channel key Kch**); and

a second decoding unit for decoding the enciphered data ([M]Ks) provided by the transmitting/receiving unit (**Paragraph 0107, The broadcast station 200 broadcasts contents information ([Contents] Kch) which is encrypted using a channel key Kch**"), by using the cipher key (Ks), thereby obtaining the data (M) (**Paragraph 0108, "...Channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)"**).

Regarding **Claim 5**, the rejection of claim 4 is incorporated and further Akiyama discloses that the security deciphering module further comprises:

a personal secret key storing unit for storing the personal secret key ([Ks]Kh) provided by the transmitting/receiving unit (**Fig. 14, Numerals 503 "Filter"**), and

outputting the stored personal secret key ([Ks]Kh) to the first decoding unit under a control of the first decoding unit (**Paragraph 0108, “The reception device provided at each user’s home receives the encrypted appending information ([Appending] Km) and decrypts it using the master key Km provided in that reception device”**); and

a cipher key storing unit for storing the cipher key (Ks) obtained by the first decoding unit (**Paragraph 0108, “...the channel key Kch contained therein is stored into a database provided in that reception device**),, and

outputting the stored cipher key (Ks) to the second decoding unit under a control of the second decoding unit (**Paragraph 0108, “... the channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)”**).

Regarding **Claim 6**, Akiyama discloses a security deciphering method comprising the steps of:

determining whether or not a personal secret key ([Ks]Kh), generated by enciphering a cipher key (Ks) by using a hidden secret key (Kh) corresponding to intrinsic identification information, is received (**Paragraph 0198, “When it is Judged that the entered packet contains the appending information according to the flag of that packet, this packet is added to the buffer for the appending information”**);

if it is determined that the personal secret key ($[K_s]K_h$) is received, then decoding the received personal secret key ($[K_s]K_h$) by using the hidden secret key (K_h), thereby obtaining the cipher key (K_s) (**Paragraph 0108, "The reception device provided at each user's home receives the encrypted appending information ($[Append] K_m$) and decrypts it using the master key K_m provided in that reception device"**);

determining whether or not enciphered data ($[M]K_s$), generated by enciphering data (M) requested to be transmitted by using the cipher key (K_s), is received (**Paragraph 0195, "Each packet has a flag information that enables to distinguish whether that packet is a packet containing the master key seed, a packet containing the appending information, or a packet containing the contents information."**);

and if it is determined that the enciphered data ($[M]K_s$) is received, then decoding the enciphered data ($[M]K_s$) by using the cipher key K_s , thereby obtaining the data (M) (**Paragraph 0188, "the contents information of the corresponding channel can be properly decrypted using the generated channel key K_{ch} ."**)

Regarding **Claim 7**, Akiyama discloses a data service providing method for providing data requested by a communication terminal, comprising the steps of:

receiving via a public network a request (Fig. 2, "Subscription") for transmission of data (M) from the communication terminal (Fig. 2);

enciphering the data (M) by using a cipher key (Ks) in response to the received data transmission request, thereby generating enciphered data ([M]Ks) (**Paragraph 0107, “The broadcast station 200 broadcasts contents information ([Contents] Kch) which is encrypted using a channel key Kch”**);

enciphering, in response to the received data transmission request, the cipher key (Ks) by using a hidden secret key (Kh) corresponding to intrinsic identification information assigned to a security enciphering module equipped in the communication terminal to decode the enciphered data ([M]Ks), thereby generating personal secret key ([Ks]Kh) (**Paragraph 0107, “...appending information ([Appending] Km) which is containing a terminal ID, a channel key Kch, etc. and encrypted using a master key Km”**); and

transmitting the enciphered data ([M]Ks) and the personal secret key ([Ks]Kh) to the communication terminal via the public network (**Fig. 3, Numeral 13, also at Paragraph 0108, “The reception device provided at each user’s home receives the encrypted appending information ([Appending] Km) and decrypt it using the master key Km provided in that reception device”, Note: appending information contains a channel key Kch and at Paragraph 0108, “... the channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)”**);

Regarding **Claim 8**, rejection of claim 7 above is incorporated and further Akiyama discloses, that the security enciphering module equipped in the communication terminal comprises **(Fig. 14)**:

a hidden secret key storing unit for storing the hidden secret key (Kh) corresponding to the intrinsic identification information assigned to the security enciphering module **(Fig. 14, Numeral 505, "Master Key Storage Unit (Km)");**

a first decoding unit for decoding the personal secret key ([Ks]Kh) by using the hidden secret key (Kh), thereby obtaining the cipher key (Ks) **(Paragraph 0108, "The reception device provided at each user's home receives the encrypted appending information ([Appending] Km) and decrypt it using the master key Km provided in that reception device", Note: appending information contains a channel key Kch);** and

a second decoding unit for decoding the enciphered data ([M]Ks) **(Paragraph 0107, The broadcast station 200 broadcasts contents information ([Contents] Kch) which is encrypted using a channel key Kch")** by using the obtained cipher key (Ks), thereby obtaining the data (M) **(Paragraph 0108, "...Channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)").**

Regarding **Claim 9**, rejection of claim 8 above is incorporated and further Akiyama discloses that the security deciphering module further comprises:

a personal secret key storing unit for storing the personal secret key ([Ks]Kh) received by the communication terminal via the public network (**Fig. 14, Numerals 503 “Filter”**), and

outputting the stored personal secret key ([Ks]Kh) to the first decoding unit under a control of the first decoding unit (**Paragraph 0108, “The reception device provided at each user’s home receives the encrypted appending information ([Appending] Km) and decrypts it using the master key Km provided in that reception device”**); and

a cipher key storing unit for storing the cipher key (Ks) obtained by the first decoding unit (**Paragraph 0108, “...the channel key Kch contained therein is stored into a database provided in that reception device**), and

outputting the stored cipher key (Ks) to the second decoding unit under a control of the second decoding unit (**Paragraph 0108, “... the channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)”**).

Regarding **Claim 10**, Akiyama discloses in a mobile communication terminal receiving, via a public network, enciphered data ([M]Ks) generated by enciphering data (M) by using a cipher key (Ks), a security deciphering apparatus comprising:

a hidden secret key storing unit for storing a hidden secret key (Kh) corresponding to intrinsic identification information assigned to the mobile

communication terminal (**Fig. 14, Numeral 505, "Master Key Storage Unit (Km)"**),

Note: The reception device of Akiyama can be interpreted as mobile reception device, because at paragraph 10, Akiyama establishes that "this requirement is very hard to satisfy in the broadcasting service with respect to mobile reception devices which is expected to be associated with a poor reception state, a short reception time and a narrow bandwidth" and later in the specification at paragraph 0486, Akiyama establishes that "As described above, according to the present invention, it is possible to realize the conditional access while maintaining the same level of safety even when the broadcast bandwidth available to transmission of information related to the conditional access is narrow...", thus proving that his system would work for mobile reception device as well.);

a first decoding unit for receiving a personal secret key ([Ks]Kh), generated by enciphering a cipher key (Ks) by using the hidden secret key (Kh), and decoding the personal secret key ([Ks]Kh) by using the hidden secret key (Kh), thereby obtaining the cipher key (Ks) (**Paragraph 0108, "The reception device provided at each user's home receives the encrypted appending information ([Appending] Km) and decrypt it using the master key Km provided in that reception device", Note: appending information contains a channel key Kch); and**

a second decoding unit for decoding the enciphered data ([M]Ks) (**Paragraph 0107, The broadcast station 200 broadcasts contents information ([Contents] Kch) which is encrypted using a channel key Kch"**) by using the obtained cipher key

(Ks), thereby obtaining the data (M) (Paragraph 0108, "...Channel key Kch contained therein is stored into a database provided in that reception device and will be used in decrypting the encrypted contents information ([Contents] Kch)").

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh Paliwal whose telephone number is (571) 270-1807. The examiner can normally be reached on M-F: 7:30 AM - 5:00 PM EST.

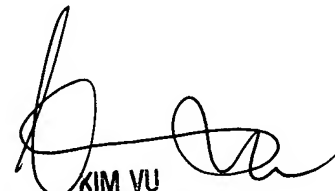
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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YP
12/10/2007



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SUPERVISORY PATENT EXAMINER
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